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jc662 U.S. PTO

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File #8 a

Express Mail No.: EM036754095US
Docket No.: 13735 (109700/C38435)

jc675 U.S. PTO
09/470667
12/22/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Rule 1.53(b) Continuing Application of :
AKIRA ASAKURA, TATSUO HOSHINO, SETSUKO OJIMA,
MASAKO SHINJOH and NORIBUMI TOMIYAMA

)
) Parent Examiner: E. Stole

Parent Serial No.: 08/934,506

) Parent Art Unit: 1653

Parent Filed: September 19, 1997

For: **NOVEL ALCOHOL ALDEHYDE
DEHYDROGENASE**

New York, New York
December 22, 1999

REQUEST FOR FILING A RULE 1.53(b) CONTINUING APPLICATION

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

This is a request for filing a continuation application under 37 CFR Section 1.53(b), of prior pending U.S. Application Serial No. 08/934,506, filed September 19, 1997.

1. ☒ A copy of the prior application as originally filed in the parent case is enclosed. The undersigned hereby verifies that the enclosed application is a true copy of the parent application as originally filed. (See paragraph 2 regarding any amendments filed in the parent case to "complete" that application. See paragraphs 11 and 12 regarding drawings and/or Sequence Listing, if any.)
2. ☐ Copies of amendments filed ___ and ___ to "complete" the parent application are enclosed. The undersigned hereby verifies that enclosed copies of the amendments are true copies of the amendments as originally filed in the parent case and that the amendments did not introduce impermissible new matter into that application.

3. ☒ The filing fee is calculated below on the basis of the claims in the parent application as originally filed plus or minus any claims added or canceled by amendment:

Claims as Filed, Plus/Minus Any Claims Added/Canceled By Amendment

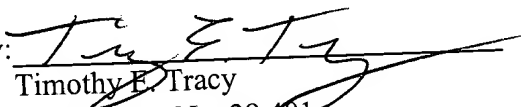
For	Number Filed	Number Extra	Rate	Basic Fee = \$	760.00
Total claims	28-20=	8	x \$18 =	\$	144.00
Independent claims	6-3=	3	x \$78 =	\$	18.00
Total Filing Fees				\$	922.00

- a. ☒ A check in the amount of \$922 to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$_____. A duplicate copy of this paper is enclosed.
4. ☒ For this continuation application and the parent application the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- a. ☒ Any additional filing fees required under 37 CFR Section 1.16 not otherwise paid by check.
- b. ☒ Any patent application processing fees required under 37 CFR Section 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 CFR Section 1.21 (h) not otherwise paid by check.
5. ☒ Amend the specification by inserting before the first line, the sentence: - This is a continuation of U.S. Application Serial No. 08/934,506, filed September 19, 1997. - -
6. ☐ Please cancel claims __ and __ as originally filed before calculating the filing fee.
7. ☐ A Preliminary Amendment is enclosed. Please enter it before calculating the filing fee.
8. ☒ The prior application is assigned of record to ROCHE VITAMINS INC.

9. ☐ The prior application is not assigned. An assignment to _____, a Recordation Form Cover Sheet, and a check for \$ _____ to cover the recording fee are enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.
10. ☒ Address all communications to:
- Mark E. Waddell, Esq.
BRYAN CAVE LLP
245 Park Avenue
New York, New York 10167-0034
tel. (212) 692-1800
fax (212) 692-1900
11. ☒ Drawings are part of this continuing application.
- a. ☐ Transfer the drawings from the parent application to this Rule 1.53(b) application and abandon the parent application as of the filing date accorded this application. A duplicate copy of this paper is enclosed for filing in the parent case. (May be used only if the undersigned is one authorized by 37 CFR Section 1.138 and before payment of the issue fee in the parent case.)
- b. ☐ New formal drawings are enclosed.
- c. ☒ Informal drawings are enclosed. The undersigned hereby verifies that these drawings are true copies of the drawings in the parent application as originally filed.
12. ☒ A Sequence Listing is part of this continuing application.
- a. ☐ A Sequence Listing in both paper and computer readable form (diskette) as required by 37 CFR 1.821 et seq. is enclosed.
- b. ☐ A statement that the content of the paper and computer readable Sequence Listing are the same and that no new matter has been added is enclosed, pursuant to 37 CFR §§1.821(f) and (g).
- c. ☒ A request to transfer previously filed sequence information pursuant to 37 CFR § 1.821(e) is enclosed.
14. ☒ Priority is hereby claimed under 35 USC Section 119 based on Appln. No. 96115001.8, filed September 19, 1996, in Europe.
- a. ☒ Certified copies of the priority document(s) is(are) already of record in U.S. Application Serial No. 08/934,506, filed September 19, 1997.

- b. ☐ The certified priority document(s) is(are) enclosed herewith for filing in this continuing case.
- c. ☐ Certified copies of the priority document(s) will follow.
15. ☒ The current power of attorney is to George W. Johnston, Reg. No. 28,090; William H. Epstein, Reg. No. 20,008; Dennis P. Tramaloni, Reg. No. 28,542; Lewis J. Kreisler, Reg. No. 38,522; Patricia S. Rocha-Tramaloni, Reg. No. 31,054; and Briana C. Buchholz, Reg. No. 39,123. The power is of record in U.S. Application Serial No. 08/934,506, filed September 19, 1997.
16. ☐ A Power of Attorney to Associate Attorney is of record in U.S. Application Serial No. ___, filed ___. The associate power of attorney is to Mark E. Waddell, Reg. No. 31,803; Stephen M. Haracz, Reg. No. 33,397; Warren MacRae, Reg. No. 37,876; Timothy E. Tracy, Reg. No. 39,401; Kevin C. Hooper, Reg. No. 40,402; Kathleen Gersh, Reg. No. 41,806; Leo G. Lenna, Reg. No. 42,796; and Robert J. Lipka, Reg. No. 42,807. A copy of the Power of Attorney to Associate Attorney enclosed.
17. ☒ A petition for extension of time in the parent application is enclosed so that the parent application will be pending as of the time this paper is filed.
18. ☒ The undersigned declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 
Timothy E. Tracy
Registration No. 39,401
BRYAN CAVE LLP
245 Park Avenue
New York, New York 10167-0034
(212) 692-1800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Rule 1.53(b) Continuing Application of :
AKIRA ASAKURA, TATSUO HOSHINO, SETSUKO OJIMA,
MASAKO SHINJOH and NORIBUMI TOMIYAMA

)
) Parent Examiner: E. Stole

Serial No.: not yet assigned

) Parent Art Unit: 1653

Filed: concurrently herewith on December 22, 1999

For: **NOVEL ALCOHOL ALDEHYDE
DEHYDROGENASE**

CERTIFICATE OF EXPRESS MAILING

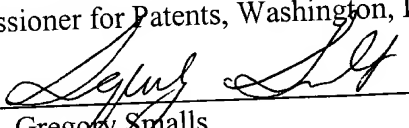
"Express Mail" Mailing Label No.: EM036754095US

Date of Deposit: December 22, 1999

I hereby certify that the following:

- [x] This Certificate of Express Mailing
- [x] Request for Filing a Rule 1.53(b) Continuing Application (4 pp. in duplicate)
- [x] Copy of the prior application as originally filed in the parent case (94 pp. including specification, claims and abstract)
- [x] 9 sheets of drawings
- [x] Request to Transfer Previously Filed Sequence Information Pursuant to 37 CFR § 1.821(e) (1 pg.)
- [x] Check in the amount of \$922 to cover filing fee
- [x] Request for 3-Month Extension of Time in the parent case (1 pg. in duplicate)
- [x] Check in the amount of \$870 to cover extension fee
- [x] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Gregory Smalls

Signature of Person Making Deposit

BRYAN CAVE LLP
245 Park Avenue
New York, New York 10167-0034
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